

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, March 13, 2004 - - 9:30 a.m.

Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Andrew H. Macdonald, Paul C. Smedberg and Joyce Woodson.

Absent: None.

Also Present: Mr. Sunderland, City Manager; Ms. Evans, Assistant City Manager; Mr. Pessoa, City Attorney; Mr. Jinks, Assistant City Manager; Ms. Fogarty, Director of Planning and Zoning; Police Lieutenant Uzzell; Mr. Kincannon, Director of Parks, Recreation and Cultural Activities; Mr. Farner, Development Division Chief; Mr. Culpepper, Deputy Director of Transportation; Police Lt. Hayes; Ms. Irps, Planner; Mr. Geiling, Deputy Director of General Services; and Mr. McCobb, Transportation and Environmental Services;

Recorded By: Jackie M. Henderson, City Clerk and Clerk of Council

OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille and the City Clerk called the roll; all members of Council were present.

2. Public Discussion Period.

(a) Chet Avery, 16 East Linden Street, speaking on behalf of the Alexandria Commission on Persons with Disabilities, commended Councilwoman Woodson and the members of Council for having Council meetings closed-captioned; suggested that Council may also wish to set up a TV device in the Chambers so that a deaf person can see the captions; and recommended Vice Mayor Pepper and Councilman Krupicka ask the Commission on Information Technology to examine other options for the general community as the City has undertaken to make meetings accessible to deaf persons.

(b) Jon Wilbor, 310 S. Lee Street, spoke about the increased assessment on his house. He also spoke about the fact that the City doesn't have enough open space and Council could float a bond to pay for it.

(c) Ann Dorman and Tom Welsh, 421 King Street, #300, said that on December 31, 2004, First Night Alexandria will join the businesses and citizens in the Del Ray community and expand their footprint to Mt. Vernon Avenue.

(d) David Fromm, 2307 E. Randolph Avenue, speaking as vice president of the Del Ray Citizens Association, spoke about their spring membership drive and the invitation to their March meeting to meet with representatives from the City and their neighborhood. He thanked the City staff and departments who participated.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-8)

Planning Commission

3. SPECIAL USE PERMIT #2003-0123

821-823 KING STREET; 103 NORTH ALFRED STREET
BITTERSWEET

Public Hearing and Consideration of a request to amend a special use permit to increase seating limits and allow outdoor seating at a restaurant; zoned CD/Commercial Downtown. Applicant: Serendipitous Inc., by John P. Manor, Jr.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 2, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 3/13/04, and is incorporated as part of this record by reference.)

4. ENCROACHMENT #2003-0011

821-823 KING STREET; 103 NORTH ALFRED STREET
BITTERSWEET

Public Hearing and Consideration of a request for an amendment into the public right-of-way to allow for outdoor seating; zoned CD/Commercial Downtown. Applicant: Serendipitous Inc., by John P. Manor, Jr.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 2, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 3/13/04, and is incorporated as part of this record by reference.)

6. SPECIAL USE PERMIT #2004-0001
612-B SOUTH PICKETT STREET

Public Hearing and Consideration of a request for a special use permit to operate a general automobile repair business; zoned I/Industrial. Applicant: Tae Jun Kim and Jeong Bin Kim, by Lonnie C. Rich, attorney

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 2, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 3/13/04, and is incorporated as part of this record by reference.)

7. ENCROACHMENT #2003-0009
124 SOUTH WEST STREET

Public Hearing and Consideration of a request for an encroachment of a utility vault into the public right-of-way; zoned CD/Commercial Downtown. Applicant: Meushaw Development Co., Inc.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 2, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 3/13/04, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Action Consent Calendar, with the removal of items 5 and 8 and considered them under separate action:

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.
7. City Council approved the Planning Commission recommendation.

The voting was as follows:

Woodson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

5. SPECIAL USE PERMIT #2003-0124

5150, 5200 and 5230 EISENHOWER AVENUE

Public Hearing and Consideration of a request for an extension of a special use permit; zoned OCH-(100)/Office Commercial High and OCL/Office Commercial Low. Applicant: Prologis Trust, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 2, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 3/13/04, and is incorporated as part of this record by reference.)

There were questions on the 20 year review of the special use permit and the uses themselves, which were answered by Ms. Fogarty.

In response to a question from Vice Mayor Pepper, Ms. Puskar, the attorney representing the applicant, said that she thought Prologis Trust would agree to fifteen years.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Planning Commission recommendation, with a change to condition #8 to change "twenty" years to "fifteen" years. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

8. SPECIAL USE PERMIT #2003-0125

1503-1505 MOUNT VERNON AVENUE

Public Hearing and Consideration of a request for a special use permit to operate a garden/interior furnishings center and a parking reduction; zoned CL/Commercial Low. Applicant: Linda C. Beal

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 2, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 3/13/04, and is incorporated as part of this record by reference.)

There were questions about the special use permit condition #3 in their ability to open on Monday. Ms. Beal, the applicant, said she didn't understand that it would be written in stone that she could not open on Mondays.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Planning Commission recommendation, with an amendment to condition #3 to change the days of the week from "Tuesday through Friday" to "Monday through Friday." The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

9. ENCROACHMENT #2004-0001

6 KING STREET

THAIPHOON OF OLD TOWN

Public Hearing and Consideration of a request for an encroachment into the public right-of-way to allow outdoor seating for a restaurant; zoned CD/Commercial Downtown. Applicant: Thaiphon of Old Town, Inc., by Rich Markus, agent.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 2, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 3/13/04, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing on this item:

Ms. Ericka Byrd, attorney representing the applicant, spoke in favor of the request.

Ms. Julie Crenshaw, 816 Queen Street, spoke about air quality issues in the location because of the tour buses that unload people. She suggested that there not be outdoor seating.

There was a discussion between Council and staff on the health department review of the request and air pollution concerns.

Mayor Euille suggested that when it comes back to Council in ordinance form, someone from the Health Department be present to provide any additional information.

Councilman Gaines asked to have factored into the analysis when it comes before Council next month how the City regulates bus idling.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

10. REZONING #2002-0004
11-21 NORTH QUAKER LANE
QUAKER VIEW

Public Hearing and Consideration of a request to rezone the property to amend a proffer prohibiting residential use; zoned CL/Commercial Low. Applicant: Jade Development Company, by Duncan Blair, attorney.

COMMISSION ACTION: Recommend Approval 6-1-0

(A copy of the Planning Commission report dated March 2, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 3/13/04, and is incorporated as part of this record by reference.)

At the request of the applicant, this item was deferred.

11. DEVELOPMENT SITE PLAN #2002-0032
11-21 NORTH QUAKER LANE
QUAKER VIEW

Public Hearing and Consideration of a request to develop eight townhouse-style condominiums with modifications; zoned CL/Commercial Low. Applicant: Jade Development Company, by Duncan Blair, attorney

COMMISSION ACTION: Recommend Approval 6-1-0

(A copy of the Planning Commission report dated March 2, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 3/13/04, and is incorporated as part of this record by reference.)

At the request of the applicant, this item was deferred.

12. TEXT AMENDMENT #2004-0001

POTOMAC YARD DESIGN ADVISORY COMMITTEE

Public Hearing and Consideration of an amendment to Section 5-602 of the Zoning Ordinance to change the required composition of the Potomac Yard Design Advisory Committee. Applicant: Department of Planning and Zoning

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 23, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 3/13/04, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council referred this item back to the Planning Commission to initiate a text amendment as quickly as possible that would take into consideration some general recommendations: Establishment of a new design committee with seven seats; and another proposal is having a committee closer to nine members, and that until then, the current composition of the PYDAC would remain in tact so it could continue to function. As part of the review, it should look at the role of PYDAC in the greater sense.

The following persons participated in the public hearing on this item:

Justin Wilson, 136 Sanborn Place, spoke in opposition to the proposal and hoped Council would look at what neighborhoods have been involved and helped to develop the plan and which are most affected in the future with the development.

Mariella Posey, 915 Second Street, spoke in support of the Planning Commission's recommendation. She said that had she been at the March 2 Planning Commission hearing, she would have spoken in favor of option #5, which had all at-large citizens.

Sylvia Sibrover, 915 Second Street, spoke in support of option #5, but could support the option passed by the Planning Commission, as it is a good compromise.

Bill Hendrickson, 304 E. Spring Street, said he had been a member of PYDAC and had another option - eliminate PYDAC and replace it with a group known as the Potomac Yard Working Group, that would operate as have community groups done, which would be made up of a variety of representatives of affected neighborhoods, would be formed by Planning staff and approved by the City Manager, could include architects and designers, could be expanded or shrunk, would meet as soon as staff completed its initial analysis of the development plan, and would review all aspects of the projects.

David Fromm, 2307 E. Randolph Avenue, said he sent a letter regarding PYDAC and one of his suggestions was suggested to staff for work, but he also included a

process on how to chose the membership, so a better approach may be to follow the idea of a Potomac Yard Working Group.

Brian Detter, 717 Catts Tavern Drive, spoke about the condition of houses being put in with extra soundproofing, of a potential dog park being built there, easement rights, the taking of footbridge easements, the building of new developments, enforcement of SUP's, and PYDAC should be enlarged so the neighborhood can have representation and to avoid some of the noted problems that have been created by flaws in the processes.

Katy Cannady, 20 East Oak Street, said she had real questions about the way the groups such as PYDAC, the Carlyle Design Review and the Old Town North Design Review Committee function. If there is a new buyer for Potomac Yard, she would like a very broad community process.

Paol Hertel, 1217 Michigan Court, spoke about the reason PYDAC was created, which was to have a body that had institutional memory of what was the intent of the whole thing. He said there needs to be some institution that does contain the memory of what was the vision.

Mayor Euille said staff should work toward making sure that it has broader representation and inclusiveness.

The voting on the motion was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

13. SPECIAL USE PERMIT #2003-0122
2320 JEFFERSON DAVIS HIGHWAY
EXXON MOBIL

Public Hearing and Consideration of a request for a special use permit amendment to allow the sale of off-premises alcoholic beverages at a gasoline station with convenience store and for a change of ownership; zoned I/Industrial. Applicant: U.S. Oil of Virginia, LLC dba Alexandria Mart, by Mary Catherine Gibbs, attorney

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 2, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 3/13/04, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing on this item:

Mary Catherine Gibbs, 307 N. Washington Street, spoke in favor of the request and noted the standards the owners will impose on their employees. She noted letters of submit with the application from business owners immediately adjacent to the business in support of the application, and she submitted a petition signed by 77 residents of Del Ray and Alexandria that are in support of the application. She spoke of the Police Department objection because of the likelihood that the combination with the gas station will lead to intoxicated drivers, but the same would be true of sales of alcohol at any convenience store in Alexandria, as most people drive to grocery and convenience stores. She noted that they are not across from a high school, and the roads do not connect into the neighborhood where this business is located.

Michael J. Chamowitz, 805 East Timberbranch Parkway, business lawyer for the applicant, spoke in favor of the request and noted their community mindedness. He went over the process of the application and of the lack of policy for the request and requested that Council approve the application for a year.

Amy Slack, 2307 E. Randolph Avenue, said she represents three different organizations' letters on this. The first is Del Ray Citizens Association to the Planning Commission, the second is DRCA to the City Council and reflects the vote at the membership meeting this month, and the third is written to Council and expresses the opinions held by her neighbors who oppose the sale of alcohol at the station. She spoke in support of the change of ownership, but to deny the sale of alcohol.

David Fromm, 2307 E. Randolph Avenue, representing the Del Ray Citizens Association, said the membership and executive board voted to support the change of ownership, but to deny the sale of alcohol.

Kris Raghupathy, 2320 Jefferson Davis Highway, manager of the store, spoke in favor of the request and noted the concerns of the community. He said they would have strict controls on the sale of alcohol.

Christi Ehrett, 309 Hume Avenue, spoke in support of the sale of beer and wine in the neighborhood. She said there is no doubt that the owners will uphold any restrictions put upon them by Council.

Jack Taylor, 3750 Jefferson Davis Highway, spoke in support of the application.

Carolyn Merk, 324 N. Royal Street, spoke in opposition to the request.

Ms. Gibbs, speaking in rebuttal, noted that it is Council's opportunity in each special use permit to look at each site individually and this site is different from other sites. There is support from neighbors and it is not a resounding opposition from the entire neighborhood.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing and approved the application to allow change of ownership but to not allow the off-premises sales of alcoholic beverages.

Councilman Krupicka asked that it do some thinking about how it makes this consistent.

The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

14. SPECIAL USE PERMIT # 2003-0066

1950 DUKE STREET

CARLYLE DEVELOPMENT

Public Hearing and Consideration of a request for an amendment to a previously approved development plan to amend the definition of retail, to transfer allowable floor area from Block P to Blocks J and K, and to change the building height limit for portions of Blocks J and K. Applicant: Carlyle Development Corporation & LCOR Ballenger Ave., LLC by Jonathan P. Rak, attorney

COMMISSION ACTION: Recommend Approval 6-1-0
(Retail Issue Deferred)

(A copy of the Planning Commission report dated March 2, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 3/13/04, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation (the retail issue was deferred.) The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

ORDINANCES AND RESOLUTIONS

15. Public Hearing, Second Reading and Final Passage of an Ordinance to Adopt Master Plan Amendment No. 2003-0010, to Amend the Taylor Run/Duke Street Small Area Plan Chapter of the Master Plan By Changing the Land Use Designation of Property Adjacent to the T.C. Williams High School from Parks and Open Space to Institutional. (#17, 3/9/04) **[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15, 3/13/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 15, 3/13/04, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council closed the public hearing and finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4338

AN ORDINANCE to amend and reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2003-0010 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2003-0010, an application has been made to amend the Taylor Run/Duke Street Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, by changing the land use designation of property adjacent to the T.C. Williams High School, located at 3330 King Street, from P/Parks to I/Institutional.

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Land Use Plan Map of the Taylor Run/Duke Street Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, be, and the same hereby is, amended by changing the land use designation of the property adjacent to the T.C. Williams High School from P/Parks to I/Institutional, as shown on the sketch plan entitled "MPA #2003-0010/REZ #2003-0006" dated January 6, 2004, attached hereto and incorporated fully herein by reference.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan map amendment, and a conforming amendment to the proposed zoning map, as part of the Taylor Run/Duke Street Small Area Plan Chapter of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 3. That all provisions of the Taylor Run/Duke Street Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the 1992 Master Plan (1998 ed.) of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

16. Public Hearing, Second Reading and Final Passage of an Ordinance to Adopt Rezoning No. 2003-0006, to Rezone Property Adjacent to the T.C. Williams High School from POS/Public Open Space Zone to R-20/Residential Zone. (#18, 3/9/04) **[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16, 3/13/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 16, 3/13/04, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council closed the public hearing and finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
Woodson	"aye"		

The Ordinance reads as follows:

ORDINANCE NO. 4339

AN ORDINANCE to amend and reordain Sheet No. 41.00 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning property adjacent to the T.C. Williams High School from POS/Public Open Space and Community Recreation Zone to R-20/Single-family Zone, in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2003-0006.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2003-0006, an application has been made to rezone a property adjacent to the T.C. Williams High School, at 3330 King Street, from POS/Public Open Space and Community Recreation Zone to R-20/Single-family Zone;
2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 41.00 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

The portion of the property adjacent to the T.C. Williams High School (Tax Map and Zoning Map Parcel No. 41.00-02-01), comprising 3.8 acres of land, more or less, as shown on the sketch plan entitled "MPA #2003-0010/REZ #2003-0006" dated January 6, 2004, attached hereto and incorporated fully herein by reference.

FROM: POS/Public Open Space and Community Recreation Zone
TO: R-20/Single-family Zone

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing amendment on the said map.

Section 3. That Sheet No. 41.00 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage.

17. Public Hearing, Second Reading and Final Passage of an Ordinance to Adopt Civil Penalties For Snow Removal Violations. (#19, 3/9/04) **[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17, 3/13/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17, 3/13/04, and is incorporated as part of this record by reference.)

There were questions from Council regarding the proposed changes, which were answered by Mr. McCobb.

WHEREUPON, upon motion by Councilman Gaines, seconded by Councilwoman Woodson and carried unanimously, City Council deferred this item. The voting was as follows:

Gaines	"aye"	Pepper	"aye"
Woodson	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

18. Public Hearing, Second Reading and Final Passage of an Ordinance to Conform Cable Television Customer Service Standards to FCC Regulations. (#20, 3/9/04) **[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18, 3/13/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 18, 3/13/04, and is incorporated as part of this record by reference.)

A motion was made by Vice Mayor Pepper to move final passage. The motion died for lack of a second.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council deferred this item and asked Comcast to come through the proper channels (the IT Commission) and then to Council. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

19. Public Hearing, Second Reading and Final Passage of an Ordinance to Approve the Vacation of a Portion of the Public Street Adjacent to 700 South Royal Street. (#21, 3/9/04) **[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19, 3/13/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 19, 3/13/04, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Macdonald and carried unanimously by roll-call vote, City Council closed the public hearing and finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	absent	

The ordinance reads as follows:

ORDINANCE NO. 4340

AN ORDINANCE to vacate a portion of the public street right-of-way adjacent to 700 South Royal Street, in the City of Alexandria, Virginia (VAC No. 2003-0006).

WHEREAS, William Savage and Ilona Garrad (Owners) have applied for the vacation of a portion of the public street right-of-way adjacent to 700 South Royal Street, in the City of Alexandria, Virginia; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation of such public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has approved the recommendation of the Planning Commission; and

WHEREAS, viewers, Donald Allen, chair, Bill Brandon and Kellie Meehan, have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that the public street right-of-way to be vacated is no longer desirable for public use and that the public interest will not be harmed by this vacation; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the vacation of the public right-of-way to Owners, as shown on the plat of vacation attached hereto and incorporated herein by reference, be, and the same hereby is, approved.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject the conditions set forth below:

1. Owners shall prepare a plat of consolidation, showing the property vacated, and consolidating such property with their abutting property, and the plat of consolidation shall be filed with the director of planning and zoning and among the land records of the City.

2. Easements shall be reserved for all existing public and private utilities with the area vacated.

3. Owners and their successors in interest may not construct any buildings or improvements on the vacated area other than approved perimeter fencing, and other yard improvements at or below grade level, and may not use the vacated land area to derive any increased floor area, subdivision rights or additional dwelling units, for their abutting property. This restriction shall appear as part of the deed of vacation and shall also appear as a note on the consolidation plat, both of which shall be approved by the director of planning and zoning prior to recordation.

4. Owners shall pay the sum of \$34,000.00 to the City for the vacated land.

Section 3. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 4. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 5. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to Owners. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owners as grantees, and such recordation shall be done by the grantees at their own expense. In the event no such deed is recorded within 18 months of the effective date, this ordinance shall be void and of no effect.

20. Public Hearing, Second Reading and Final Passage of an Ordinance to Approve the Vacation of the Public Alley Adjacent to 801-833 South Washington Street. (#22, 3/9/04) **[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20, 3/13/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 20, 3/13/04, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried by roll-call vote of 5-1, City Council closed the public hearing and finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"no"
Woodson	absent		

The ordinance reads as follows:

ORDINANCE NO. 4341

AN ORDINANCE to vacate the public alley right-of-way adjacent to 801 - 833 South Washington Street, in the City of Alexandria, Virginia (VAC No. 2003-0003).

WHEREAS, WRIT, L.P. (Owner) has applied for the vacation of the public alley right-of-way adjacent to 801 - 833 South Washington Street, in the City of Alexandria, Virginia; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation of such public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has approved the recommendation of the Planning Commission; and

WHEREAS, viewers, William Brandon, chair, Ruby Fitzgerald and Dennis Jones, have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that the public alley right-of-way to be vacated is no longer desirable for public use and that the public interest will not be harmed by this vacation; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the vacation of the public right-of-way to Owner, as shown on the sketch plan of vacation attached hereto and incorporated herein by reference, be, and the same hereby is, approved.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject the conditions set forth below:

1. Owner shall pay the sum of \$430,800 to the City for the vacated land.
2. The vacated right-of-way shall be consolidated with the adjoining lots, and the plat of consolidation, showing the restrictions and reservations in Paragraphs 3,4,5 and 6, shall be filed with the director of planning and zoning and director of transportation and environmental services, and recorded among the land records of the City.
3. Easements shall be reserved for all existing public and private utilities located within the vacated right-of-way.
4. A public access easement shall be provided over the vacated right-of-way. The easement shall be depicted and labeled on the site plan, and shall be approved by the city attorney prior to release of the final site plan.
5. The mass, scale and height of the existing buildings east of the vacated right-of-way shall not be revised, reconfigured, altered or demolished.
6. Surface or above grade parking, including such parking within a building or structure, shall be prohibited on the consolidated parcel.

Section 3. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 4. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 5. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to Owner. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of

the City of Alexandria, as grantor, and Owner as grantee, and such recordation shall be done by the grantee at its own expense. In the event no such deed is recorded within 18 months of the effective date, this ordinance shall be void and of no effect.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

21. CITY CHARTER SECTION 9.06, CASE #2004-0001

2900 BUSINESS CENTER DRIVE

Consideration of a proposal by the City of Alexandria to acquire the subject property for the purpose of future City uses pursuant to Section 9.06 of the City Charter; zoned I/Industrial.

COMMISSION ACTION: APPROVED 7-0

(THIS ITEM IS NOT A SET PUBLIC HEARING BUT IS FOR CITY COUNCIL'S INFORMATION ONLY -- NO APPROVAL IS NECESSARY.)

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (22-30)

Planning Commission (continued)

22. SPECIAL USE PERMIT #2003-0112

4949 SEMINARY ROAD

7-ELEVEN CONVENIENCE STORE

Public Hearing and Consideration of a request for a special use permit for continuance of a nonconforming convenience store use; zoned RC/High Density.

Applicant: 7-Eleven Inc. by Maynard Sipe, attorney

COMMISSION ACTION: Deferred

23. SPECIAL USE PERMIT #2003-0116

4610 KENMORE AVENUE

7-ELEVEN CONVENIENCE STORE

Public Hearing and Consideration of a request for a special use permit for continuance of a nonconforming convenience store use; zoned CG/Commercial General Zone. Applicant: 7-Eleven Inc. by Maynard Sipe, attorney.

COMMISSION ACTION: Deferred

24. SPECIAL USE PERMIT #2004-0002

50 SOUTH PICKETT STREET #24

Public Hearing and Consideration of a request for a special use permit to amend an existing restaurant special use permit to include the sale of on-premise beer and wine, to extend the hours of operation and to add seating; zoned CG/Commercial General. Applicant: Getaneh Asrat

COMMISSION ACTION: Deferred

25. SPECIAL USE PERMIT #2003-0111

815 1/2 KING STREET
OLD TOWN THEATER

Public Hearing and Consideration of a request for a special use permit amendment to allow an intensification of theater uses, and for the reduction of required parking; zoned CD/Commercial Downtown Zone. Applicant: Old Town Theater, Inc. by Duncan W. Blair, Esq., attorney

COMMISSION ACTION: Deferred

26. SPECIAL USE PERMIT #2003-0114

1512 KING STREET
SUBWAY

Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned OCH/Office Commercial High Zone. Applicant: Subway Real Estate Corp. c/o Subway Development Corp., by Christopher Decre, agent

COMMISSION ACTION: Deferred

27. TEXT AMENDMENT #2004-0004

POLITICAL SIGNS

Public Hearing and Consideration of an amendment to Article IX of the Zoning Ordinance to amend the regulations for political signs. Applicant: Department of Planning and Zoning

COMMISSION ACTION: Deferred

28. SPECIAL USE PERMIT #2004-0011

800-840 NORTH HENRY STREET
ON SITE SOURCING

Public Hearing and Consideration of a review of a special use permit; zoned CRMU-H/Commercial Residential Mixed Use. Applicant: Department of Planning and Zoning

COMMISSION ACTION: Deferred

29. DEVELOPMENT SPECIAL USE PERMIT #2003-0035

4380 KING STREET
PARK CENTER

Public Hearing and Consideration of a request to amend a development special use permit, with site plan, for approval of CO Planned Unit Development ("PUD) at Park Center to construct a multifamily condominium building and affordable units pursuant to Section 7-700 of the Zoning Ordinance; zoned CRMU-H/Commercial Residential Mixed Use-High. Applicant: A&A Limited

Partnership, by Duncan W. Blair , attorney

COMMISSION ACTION: Deferred

30. DEVELOPMENT SPECIAL USE PERMIT #2003-0006

600 RUSSELL ROAD

MAURY ELEMENTARY SCHOOL

Public Hearing and Consideration of a request for a development special use permit, with site plan, to allow for the expansion and renovation of Maury Elementary School; R-5/Residential. Applicant: Alexandria City Public Schools, by Johann Dobak

COMMISSION ACTION: Deferred

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Without objection, City Council noted the deferrals.

* * * * *

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the meeting at 12:27 p.m. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

* * * * *

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jackie M. Henderson, City Clerk

This docket is subject to change.

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Full-text copies of ordinances, resolutions, and agenda items are available in the Office of the City Clerk and Clerk of the Council.

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Individuals with disabilities who require assistance or special arrangements to participate in the City Council meeting may call the City Clerk and Clerk of Council's Office at 838-4500 (TTY/TDD 838-5056). We request that you provide a 48-hour notice so that the proper arrangements may be made.

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